

GLOSSARY

Section I Abbreviations

AR	Army Regulation
BMP	Base Master Plan
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR.....	Code of Federal Regulations
DA	Department of the Army
DA Pam.....	Department of the Army Pamphlet
DDESB.....	Department of Defense Explosives Safety Board
DERP.....	Defense Environmental Restoration Program
DOD.....	Department of Defense
EE/CA.....	Engineering Evaluation/Cost Analysis
EP	Engineer Pamphlet
EPA.....	Environmental Protection Agency
EPCRA.....	Emergency Planning and Community Right-to-Know Act
ER.....	Engineer Regulation
FOSL.....	Finding of Suitability to Lease
FOST.....	Finding of Suitability to Transfer
FUDS.....	Formerly Used Defense Site
HQDA	Headquarters, Department of the Army
HQUSACE.....	Headquarters, United States Army Corps of Engineers
IR.....	Installation Restoration
MACOM.....	Major Command
MCX.....	Mandatory Center of Expertise
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MSC	Major Subordinate Command
NCP.....	National Oil and Hazardous Substance Contingency Plan
OE	Ordnance and Explosives
OE MCX.....	Ordnance and Explosives Mandatory Center of Expertise
PM.....	Project Manager
RAP.....	Remedial Action Plan
RCRA.....	Resource Conservation and Recovery Act
ROD	Record of Decision

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USACE.....United States Army Corps of Engineers
USAESCH.....U.S. Army Engineering and Support Center, Huntsville
UXOUnexploded Ordnance

Section II

Terms

Active Installations

Installations under the custody and control of DOD. Includes operating installations, installations in a standby or layaway status, and installations awaiting closure under the Base Realignment and Closure (BRAC) legislation.

Active Range

A military range that is currently in service and is being regularly used for range activities. (40 CFR 266.201)

Administrative Record

The body of documents that “forms the basis” for the selection of a particular response at a site. Documents that are included are relevant documents that were relied upon in selecting the response action as well as relevant documents that were considered but were ultimately rejected. (ER 1110-1-8153)

Applicable or Relevant, and Appropriate Requirements (ARARs)

Applicable requirements are cleanup standards, standards of control, and other substantive environmental protection requirements promulgated under federal or state environmental law that specifically address a hazardous substance, pollutant, contaminant, remedial action, location or other circumstance found at a CERCLA site. Relevant and appropriate requirements are cleanup standards that while not “applicable”, address situations sufficiently similar to those encountered at a CERCLA site that their use is well-suited to the particular site.

Base Realignment and Closure (BRAC)

Program governing the scheduled closing of Department of Defense sites. (Base Closure and Realignment Act of 1988, Public Law 100-526, 102 Stat. 2623, and the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 104 Stat. 1808)

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

CERCLA authorizes federal action to respond to the release or threatened release of hazardous substances into the environment or a release or threat of release of a pollutant or contaminant into the environment that may present an imminent or substantial danger to public health or welfare.

Conventional Ordnance and Explosives

The term “conventional OE” refers to ordnance and explosives (see definition) other than CWM, BWM and nuclear ordnance. (ER 1110-1-8153)

Covenant

A covenant is a promise that certain actions have been taken, will be taken, or may not be taken. Covenants can bind subsequent owners of the land. There are special legal requirements needed to bind subsequent owners. An affirmative covenant is a promise that the owner will do something that the owner might not be obligated to do, such as maintaining a fence on the property that surrounds a landfill. A negative easement is a promise that the owner will not do something that the owner is otherwise free to do, such as restricting the use of groundwater on the land.

Defense Environmental Restoration Program (DERP)

Established in 1984, DERP promotes and coordinates efforts for the evaluation and cleanup of contamination at Department of Defense installations. (10 U.S.C. 2701)

Design Center

A specified USACE field office assigned a singular technical mission that is permanent and USACE-wide in scope. The designated office is to be considered the “lead activity” in a specialized area where capability needs to be concentrated for maximum effectiveness, economy, and efficiency. The OE Design Center (in coordination with the PM) will execute all phases of the OE response project after the approval of the INPR unless the removal action is transferred to an approved district. Only the USAESCH OE Design Center is authorized to execute any phase of a Non-Stockpile CWM response. (ER 1110-1-8153)

Districts Approved to Execute OE Removal Actions

These districts are selected and approved by the MSC Commander with concurrence from the OE MCX, trained, and assigned the mission of conducting OE removal actions. The districts are responsible for final removal action execution. (ER 1110-1-8153)

Easement

An easement allows the holder to use the land of another or to restrict the uses of the land. An easement “appurtenant” provides a specific benefit to a particular piece of land. For example, allowing

a neighbor to walk across your land to get to the beach. The neighbor's land, the holder of the easement, benefits by having beach access through your land. An easement "in gross" benefits an individual or company. For example, allowing the utility company to come on your land to lay a gas line. The utility company, the holder of the easement, benefits by having use of the land to lay the gas line. An affirmative easement allows the holder to use another person's land in a way that, without the easement, would be unlawful - for example, allowing a use that would otherwise be a trespass. A negative easement prohibits a lawful use of land - for example, creating a restriction on the type and amount of development of land.

Engineering Evaluation/Cost Analysis (EE/CA)

An EE/CA is prepared for all non-time-critical removal actions as required by Section 300.415(b)(4)(i) of the NCP. The goals of the EE/CA are to identify the extent of a hazard, to identify the objectives of the removal action, and to analyze the various alternatives that may be used to satisfy these objectives for cost, effectiveness, and implementability.

Formerly Used Defense Sites (FUDS)

FUDS includes those properties previously owned, leased, or otherwise possessed by the U.S. and under the jurisdiction of the Secretary of Defense; or manufacturing facilities for which real property accountability rested with DOD but were operated by contractors (Government owned - contractor operated) and which were later legally disposed of. FUDS is a subprogram of the DERP. Restoration of military land was extended to formerly used sites in 1983 under Public Law 98-212 (DOD Appropriations Act of FY84).

Government Control

Government controls are restrictions that are within the traditional police powers of state and local governments to impose and enforce. Permit programs and planning and zoning limits on land use are examples of government controls.

Institutional Controls

Institutional controls consist of legal, physical, or educational mechanisms that limit the access or use of a property, or warn of the hazard in order to protect property users and the public from existing site contamination that continues to be present at a site during use.

Information Repository

A repository, generally located at libraries or other publicly accessible locations, which contains documents reflecting the on-going environmental restoration activities. This may include the EE/CA, CRP, RAB meeting minutes, public notices, public comments and responses to those comments, etc.

Intrusive activity

An activity which involves or results in the penetration of the ground surface at an area known or suspected to contain OE. Intrusive activities can be of an investigative or removal action nature.

Mandatory Center of Expertise (MCX)

An MCX is a USACE organization that has been approved by HQUSACE as having a unique or exceptional technical capability in a specialized subject area that is critical to other USACE commands. Specific mandatory services to be rendered by an MCX are identified on the MCX's homepage. These services may be reimbursable or centrally funded. The USAESCH is the OE MCX for the USACE. (ER 1110-1-8153)

Military Munitions

All ammunition products and components produced or used by or for the U.S. DOD or the U.S. Armed Services for national defense and security, including military munitions under the control of the DOD, the US Coast Guard, the US DOE, and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by DOD components, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components thereof. However, the term does include non-nuclear components of nuclear devices, managed under DOE's nuclear weapons program after all required sanitization operations under the Atomic Energy Act of 1954, as amended, have been completed. (40 CFR 260.10)

National Oil and Hazardous Substance Pollution Contingency Plan (NCP)

Revised in 1990, the NCP provides the regulatory framework for responses under CERCLA. The NCP designates the Department of Defense as the removal response authority for ordnance and explosives hazards.

Non-Time Critical Removal Action (NTCRA)

NTCRAs are actions initiated in response to a release or threat of a release that poses a risk to human health, its welfare, or the environment. Initiation of removal cleanup actions may be delayed for six months or more.

Ordnance and Explosives (OE)

OE consists of either (1) or (2) below:

(1) Ammunition, ammunition components, chemical or biological warfare materiel or explosives that

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have been abandoned, expelled from demolition pits or burning pads, lost, discarded, buried, or fired. Such ammunition, ammunition components, and explosives are no longer under accountable record control of any DOD organization or activity. (HQDA Policy Memorandum “Explosives Safety Policy for Real Property Containing Conventional OE”)

(2) Explosive Soil. See definition under “Explosive Soil.” (ER 1110-1-8153)

Partnering

A formal process in which two or more organizations come together to work as a team toward a shared goal.

Proprietary Control

A proprietary control is a private contractual mechanism contained in the deed or other document transferring the property. Proprietary controls involve the placement of restrictions on land through the use of easements, covenants, and reversionary interests. Easements, covenants, and reversionary interests are nonpossessory interests. Nonpossessory interests give their holders the right to use or restrict the use of the land, but not to possess it. This is in contrast to possessory controls interests in which the holder may have the right to possess the land. State laws vary on the application and enforcement of such restrictions.

Real Property

Real property consists of land, improvements, structures, and fixtures, and includes bodies of water.

Removal Action

The cleanup or removal of OE from the environment to include the disposal of removed materiel. The term includes, in addition, without being limited to, security fencing or other measures to prevent, minimize, or mitigate damage to the public health or welfare or to the environment. (ER 1110-1-8153)

Resource Conservation and Recovery Act (RCRA)

Enacted in 1976, RCRA promotes the protection of health and the environment. It regulates waste generation, treatment, storage, transportation, and disposal for facilities currently in operation. The OE removal process is affected by RCRA if OE must be disposed off-site.

Response Action

Action taken instead of or in addition to a removal action to prevent or minimize the release of OE so that it does not cause substantial danger to present or future public health or welfare or the environment. (ER 1110-1-8153)

Restoration Advisory Board (RAB)

A forum for discussion and exchange of information between agencies and the affected communities. RABs provide an opportunity for stakeholders to have a voice and actively participate in the review of technical documents, to review restoration progress, and to provide individual advice to decision makers regarding restoration activities. (ER 1110-1-8153)

Reversionary Interest

A reversionary interest places a condition on the transferee's right to own and occupy the land. If the condition is violated, the property is returned to the original owner or the owner's successors. Each owner in the chain of title must comply with the conditions placed on the property. If the condition is violated the property can revert to the original owner, even if there have been several transfers in the chain of title.

Siting Restrictions

Siting restrictions control land use in areas subject to natural hazards, such as earthquakes, fires, or floods. Such restrictions are created through statutory authority to require that states implement and enforce certain land use controls as well as through local ordinances.

Stakeholder

Stakeholders include federal, state, and local officials, community organizations, property owners, and others having a personal interest or involvement, or having a monetary or commercial involvement in the real property which is to undergo an OE response action.

Superfund Amendments and Reauthorization (SARA)

Enacted in 1986, this legislation establishes standards for cleanup activities, requires federal facility compliance with CERCLA, and clarifies public involvement requirements.

Unexploded Ordnance (UXO)

Military munitions that have been primed, fuzed, armed, or otherwise prepared for action, and have been fired, dropped, launched, projected or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause. (40 CFR 266.201)

Zoning

Zoning is a use restriction imposed through the local zoning or land use planning authority. Such restrictions can limit the access and prohibit disturbance of the remedy. Zoning authority does not exist in every jurisdiction.